

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) Case No: 4:15CR229 HEA
)
HARRUNAH R. SAMORI,)
)
Defendant.)

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on Defendant's *pro se* motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A), [Doc. No. 290]. Defendant filed his motion on June 17, 2020. On June 18, 2020 the Office of the Federal Public Defender entered an appearance on behalf of the Defendant. On June 20, 2020 counsel for Defendant filed a motion to withdraw. The Court granted counsel's motion to withdraw and appointed CJA counsel. Counsel advised the Court that he did not intend to supplement the motion. The government did not file a response to Defendant's motion.

BACKGROUND

Defendant plead guilty to Count One of the indictment to conspiracy to distribute heroin in violation of 21 U.S.C. § 846, 21 U.S.C. § 841(b)(1)(B) and 21 U.S.C. § 841 (a)(1). The Court sentenced Defendant to 78 months incarceration

and a term of 4 years supervised release on September 7, 2016.

DISCUSSION

The threshold question here is whether this Court has authority to review Defendant's request. The First Step Act requires Defendant to petition the Bureau of Prisons for release before he can petition the court directly. 18 U.S.C. § 3582(c)(1)(A)(i). Defendant bears the burden of showing that he exhausted his administrative remedies with the Bureau of Prisons before filing a compassionate-release motion. *United States v. Kinley*, No. 1:16-CR-10018-003, 2020 WL 2744115, at *2 (W.D. Ark. Apr. 17, 2020).

Here, Defendant has not met this burden. He has not provided any evidence or assertions that he petitioned the BOP or warden of USP Thomson Satellite Camp before petitioning the Court. Therefore, this Court finds that Defendant did not exhaust his administrative remedies as required under 18 U.S.C. § 3582(c)(1)(A)(i); thus, the Court is without authority to act on Defendant's motion at this time.

Accordingly,

IT IS HEREBY ORDERED that Defendant's motion for compassionate

release [Doc. No. 290], is **denied** without prejudice.

Dated this 30th day of December, 2020.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE